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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

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CARLY GRAFF, et al., on behalf of  
themselves and all others similarly  
situated,

Plaintiffs,

v.

ABERDEEN ENTERPRIZES II, INC.,  
*et al.*,

Defendants.

4:17-CV-606-JDR-JFJ

*Hon. John D. Russell*

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**DEFENDANTS' JOINT RESPONSE TO PLAINTIFFS' REQUEST FOR ORAL  
ARGUMENT ON DEFENDANTS' PENDING MOTIONS TO DISMISS**

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Defendants object to Plaintiffs' request for oral argument (ECF 452) on Defendants' pending motions to dismiss (ECF 398 – 399, 402 – 412). Though oral argument is available under Fed. R. Civ. P. 78(a), it is not necessary. For one, Defendants' motions raise questions of law, not fact. *See Butterman v. Walston & Co.*, 50 F.R.D. 189, 190 (E.D. Wisc. 1970) (denying request for oral argument when questions of law at issue). For another, the parties submitted "comprehensive briefs," *see Hazen v. Southern Hills Nat. Bank*, 414 F.2d 778, 780 (10th Cir. 1969), that "sufficiently set out the legal arguments[.]" *Parish v. Howard*, 459 F.2d 616, 620 (8th Cir. 1972). In such circumstances, oral argument is not necessary. *Id.*

This Court is more than capable of processing and ruling on Defendants' motions without argument from counsel. It needs no other data than the allegations from Plaintiffs' second amended complaint (ECF 212), and Defendants and Plaintiffs ably briefed the issues to which those allegations apply. Oral argument, per the wording of the Local Rules, is the exception—not the norm. *See LCvR78-1* ("Oral arguments or hearings on motions or objections *will not be conducted unless ordered by the Court*") (emphasis added). Given this, the Court should deny Plaintiffs' request and rule on the materials submitted.

Date: March 1, 2024.

Respectfully submitted,

s/ Jeffrey C. Hendrickson

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\*all signatures with permission

**CERTIFICATE OF SERVICE**

I certify that on **February 27, 2024**, I electronically transmitted the attached document to the Clerk of this Court using the ECF System for filing. Based on the records currently on file, the Clerk will transmit a Notice of Electronic Filing all ECF registrants who have appeared in this case.

s/ Jeffrey C. Hendrickson  
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